

ORIGINAL

ANN BAVENDER*
KAREN L. CASSER*
ANNE GOODWIN CRUMP*
VINCENT J. CURTIS, JR.
RICHARD J. ESTEVEZ
PAUL J. FELDMAN*
ERIC FISHMAN*
RICHARD HILDRETH
FRANK R. JAZZO
ANDREW S. KERSTING*
KATHRYN A. KLEIMAN
EUGENE M. LAWSON, JR.
HARRY C. MARTIN
GEORGE PETRUTSAS
LEONARD R. RAISH
JAMES P. RILEY
KATHLEEN VICTORY*
HOWARD M. WEISS
* NOT ADMITTED IN VIRGINIA

FLETCHER, HEALD & HILDRETH, P.L.C.

ATTORNEYS AT LAW

11th FLOOR, 1300 NORTH 17th STREET
ROSSLYN, VIRGINIA 22209-3801

(703) 812-0400

TELECOPIER

(703) 812-0486

INTERNET

FLETCHERHEALD@msn.com

FRANK U. FLETCHER
(1939-1985)
ROBERT L. HEALD
(1956-1983)
PAUL D.P. SPEARMAN
(1936-1982)
FRANK ROBERSON
(1936-1981)
RUSSELL ROWELL
(1948-1977)

RETIRED
EDWARD F. KENEHAN
CONSULTANT FOR INTERNATIONAL AND
INTERGOVERNMENTAL AFFAIRS
SHELDON J. KRYSS
U. S. AMBASSADOR (ret.)

OF COUNSEL
EDWARD A. CAINE*

WRITER'S NUMBER
(703) 812-

0420

June 21, 1996

BY HAND DELIVERY

Mr. William F. Caton

Acting Secretary

Federal Communications Commission

1919 M Street, N.W., Room 222

Washington, D.C. 20554

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JUN 21 1996

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY**

Re: Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
Franklin, Louisiana

Dear Mr. Caton:

Transmitted herewith on behalf of Annette G. Thompson are an original and four copies of her "Petition for Rule Making" in connection with the above-referenced matter.

Should any questions arise concerning this matter, please communicate with this office.

Very truly yours,


Vincent J. Curtis, Jr.
Counsel for Annette G. Thompson

VJC:mah
Enclosure

ORIGINAL

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

RECEIVED

JUN 21 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In re

Amendment of Section 73.202(b))
)
Table of Allotments)
FM Broadcast Stations)
(Franklin, Louisiana))

Directed to: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

PETITION FOR RULE MAKING

Comes now Annette G. Thompson ("Thompson"), through her attorneys, and respectfully requests her Petition for Rule Making requesting allotment of Channel 295C3 to Franklin, Louisiana.

In support, the following is stated:

1. Previously, the Commission, at the request of South Louisiana Broadcasters, released a Notice of Proposed Rule Making, DA96-251, released March 11, 1996 (Docket No. 96-36, RM-8766) looking toward the allotment of Channel 295C3 to Franklin, Louisiana. Although comments were due on May 2, 1996, with replies scheduled for May 17, 1996, no timely filings were received by the Commission. According to Commission procedures, that proceeding is now terminated.

2. For the reasons set forth in South Louisiana Broadcasters' initial petition for rule making, incorporated herein by reference,¹ Thompson respectfully requests that the Commission

¹A copy of that petition is shown as Attachment No. 1 for the convenience of the Commission.

No. of Copies rec'd
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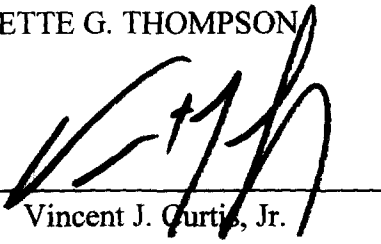
allot Channel 295C3 to Franklin, Louisiana. Should the Commission allot Channel 295C3 to Franklin, Thompson will prepare and file an application for that facility.

WHEREFORE, the premises considered, it is respectfully requested that the Commission allot Channel 295C3 to Franklin, Louisiana.

Respectfully submitted,

ANNETTE G. THOMPSON

By: _____


Vincent J. Curtis, Jr.

Her Attorney

FLETCHER, HEALD & HILDRETH, P.L.C.
1300 N. 17th Street, 11th Floor
Rosslyn, VA 22209
(703) 812-0400

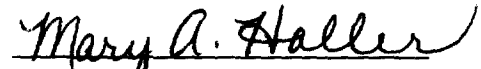
June 21, 1996

CERTIFICATE OF SERVICE

I, Mary A. Haller, a secretary in the firm of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that a true copy of the foregoing "Petition for Rule Making" was sent by first-class United States mail, postage prepaid, to the following:

Ms. Pamela Blumenthal*
Federal Communications Commission
Mass Media Bureau
2025 M Street, N.W., Room 8308
Washington, D.C. 20554

*BY HAND DELIVERY


Mary A. Haller

ATTACHMENT NO. 1

F.C.C.
ORIGINAL

Before the Federal Communications Commission
Washington, D. C. 20554

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FEB 9 1996

FCC MAIL ROOM

IN RE:

Petition for Rulemaking Section 73.202 (b) Table of Assignments, FM Stations

Franklin, Louisiana
ADD: Channel 295 C-3

DOCKET FILE COPY ORIGINAL

TO THE COMMISSION:

Comes now, South Louisiana Broadcasters requesting that Channel 295C-3 be assigned as the second FM service to the city of Franklin, Louisiana.

Franklin is an established community in a prosperous area. See exhibit "A" attached that gives background on the community.

Channel 295C-3 can be assigned to Franklin in full compliance with Section 73.202 (b). Attached is an engineering exhibit supporting this fact, and showing the proper spacing for this channel. Further, another exhibit shows the predicted 70 DBU coverage of the proposed station, and clearly indicates the proposed allocation will comfortably place the required signal over the entire community of Franklin, and beyond.

Should the Commission allocate the requested frequency, petitioner will apply for the channel when available. If a construction permit is awarded, petitioner will proceed without delay to construct and operate the new channel.

In view of the availability of the channel, and the willingness of the petitioner to construct and operate the new station, South Louisiana Broadcasters requests the following action:

FRANKLIN, LOUISIANA

PRESENT : Channel 288A

PROPOSED : Channel 288A, 295C3

Respectfully,
South Louisiana Broadcasters
J. Boyd Ingram, President


PO Box 73, Batesville, Mississippi 38606

JBI/asd

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MMB

J BOYD INGRAM- BROADCAST CONSULTANT
P.O. BOX 73 - BATESVILLE MS 38606-0073

NEW C3

REFERENCE 29 48 55 N 91 35 10 W	CLASS C3 Current rules spacings CHANNEL 295 -106.9 MHz	DISPLAY DATES DATA 12-29-95 SEARCH 01-18-96
--	---	--

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
KOGM	296A	Opelousas	LA	327.9	93.22	89.0	4.22
KCRL	294A	Rayne	LA	307.7	93.31	89.0	4.31
KCIL	298C1	Houma	LA	116.5	91.32	76.0	15.32
KFXZ	292A	Maurice	LA	295.9	65.53	42.0	23.53
KFXZ.C	292A	Maurice	LA	295.9	65.53	42.0	23.53
KLJZ	294C1	Port Sulphur	LA	90.2	176.37	144.0	32.37
WHMD.C	296A	Hammond	LA	53.2	129.43	89.0	40.43
WHMD	296A	Hammond	LA	53.2	129.43	89.0	40.43
KQXLFM	293C2	New Roads	LA	24.2	98.37	56.0	42.37
KXORFM	292C3	Thibodaux	LA	102.0	88.40	43.0	45.40

Scale 1:100,000

INTERCH



NEW 295C3 - 25KW

N. Lat. 29 48 55 W. Lng. 91 35 10

19
+ 30

19
+ 29.5

Affadavit of South Louisiana Broadcasters:

I certify that I am President of South Louisiana Broadcasters, petitioner in the attached proceeding to the Commission, requesting Channel 295C-3 be allocated to Franklin, Louisiana.

This petition has been personally prepared and assembled by myself, and is true and correct to the best of my knowledge and belief.


J. Boyd Ingram

January 15, 1996

Community Data: FRANKLIN, LOUISIANA

Franklin, Louisiana is located in South Louisiana, in St. Mary Parish. Franklin was founded in the early 1800's by Pennsylvania Dutch settlers. It became the parish seat of St. Mary's parish in 1811, and was the first incorporated town in the parish in 1820.

St Mary's parish has over 58,000 people, approximately 9,000 of which reside in Franklin.

Franklin has numerous historic homes and plantations and other tourist attractions. It was listed as one of the "top 100" small towns in America in a national publication.

Franklin has long been known for it's production of Sugar Cane, Carbon Black, as well as for it's extensive fishing industry, and oil production. The various industries provide the means for a high standard of living, outstanding recreation, quality of life, and prosperous tourism.

Currently, St. Mary's parish is served by a class A FM station and an AM station. Considering the area and population of the area, an additional FM station, particularly a Class C-3 Station, would serve the public needs and interests.

Additional data on the city and parish is attached.

St. Mary Parish

Boasting a population of 58,000 people and 700 square miles of land, St. Mary Parish is located in the Bayou Teche region of Cajun Country midway between New Orleans and Lafayette via Hwy. 90. Its main industries include agriculture, seafood, and fabrication. The myriad of cultures include English, Spanish, Dutch, French Acadian, and Native American.

The Chitimacha Indians (men altogether red) were the first inhabitants to the region. By the early 1800's, there were approximately 3000 Chitimacha. They were superb hunters and fisherman and lived along the shores of the numerous bayous. They built homes of cane, wood, and palmetto leaves. They ate hominy and corn meal in addition to large quantities of shell fish. The Chitimacha's chief glory is basket weaving, where wild cane reed is woven in geometric patterns.

Legend of the Chitimacha has it that wars between the Spanish and French left the Chitimacha tribe on the brink of extinction. By the early 1900's there were few Chitimacha and little land left. By 1918, Sarah McIlhenny of the *Tabasco* family petitioned the Bureau of Indian Affairs for federal recognition. Today, the Chitimacha Reservation encompasses 283 acres of land. An interpretive center under the Jean Lafitte National Parks and Preserve and the Cypress Bayou Casino are located on the reservation.

The first white settler to trek through the wilderness of the land was Thomas Berwick, a surveyor from Pennsylvania who was working in Opelousas. Berwick settled along the banks of the Atchafalaya River in the late 1700's. Today the town of Berwick is home to several seafood processing plants and numerous boat companies. Berwick has the only lighthouse in Louisiana with a park in the planning stages.

During the early 1800's, a group of Pennsylvanian Dutchmen boarded a sailing vessel in New Orleans and ventured into Bayou Teche (Bayou Teche is an Indian word meaning snake.) Two legends about Bayou Teche exist - one states that the Chitimacha and Attakapas were at war because of the love between an Attakapas Chief and a maiden Chitimacha. The chief was killed. The maiden was heartbroken. Her tears, mixed with his flowing blood formed the Teche. The second legend has it that a large venomous snake roamed the land. Many Chitimacha battled and killed the serpent. The snake, struggling in death, twisted and deepened the mud where it lay - thus forming Bayou Teche.

Hans Knight (one of the Dutchmen) decided to settle his family in what is now Patterson. The community was originally called Dutch Settlement, Dutch Prairie, and Dutch Town.

In 1832, Captain John Patterson, a trader from Indiana settled in Dutch Settlement. He built a store and became a prominent citizen. The town was renamed to Pattersonville after Patterson successfully moved the post office to Dutch Settlement. Pattersonville was incorporated in 1907 as the Town of Patterson.

Patterson once housed the largest cypress sawmill in the world, owned by Frank B. Williams. Williams had four sons, two of which became prominent citizens within the community.

Harry Williams was a playboy who had money and liked fast things. He, along with an associate and friend, Jimmie Wedell, became pioneers in the development of speed flying. They manufactured aircraft which held the world's speed record for land planes as well as transcontinental and international records involving flights across the United States. The crowning achievement was the design of a pursuit ship which was selected by the United States Army. The Wedell-Williams Air Service was originally formed to provide charter trips to New Orleans. The business expanded. Sightseeing, student instruction and airmail also became part of the service. At the time of Mr. Williams' death, the service was sold to Eastern Air Lines. Mr. Williams married Marguerite Clark, a Broadway and motion picture star. Marguerite was the first Snow White to appear on screen.

Jimmie Wedell, Harry's associate, was a barnstormer with little education and a knack for motors. He taught Harry Williams to fly and became famous for the construction of planes of a radically new design. With his plane, he won the Bendix Trophy, the French Government award, Shell Trophy, Thompson Trophy and many more. Wedell was the "speed king of the world." He died at 34 behind the controls of a plane.

Kemper Williams was the second youngest son of Harry Williams. He was a sugar cane farmer, businessman, and a Brigadier General in the U.S. Army. Kemper and his wife Leila accumulated great wealth. They lived in New Orleans and had no children. At the time of their deaths, they willed their home on St. Charles to be used as a public library and they set up two foundations - one which funds the Historic New Orleans Collection and one which partially funds the Kemper Williams Park and Campground.

Patterson is also home to Cajun Jack's Swamp Tours and the Wedell-Williams Aviation Museum.

Founded in 1808 as Carlin's Settlement by Alexander Lewis, a native of England, and planned by James Sanders, Franklin (named after Benjamin Franklin) became the parish seat in 1811 and the first incorporated town in 1820. One distinguishing hallmark of St. Mary Parish is that more English settlers from Virginia and the Carolina's came to the parish in the early days after the Louisiana Purchase in 1803 than to the other central Acadiana parishes. They primarily settled in Franklin with surnames such as Caffery, Palfrey, Foster, Taylor and others. Coupled with their coming was the first introduction of a product which still figures prominently in the economy - sugar cane. The English were accustomed to the plantation system and developed the largest plantations, many of which remain almost intact today. Sugar cane was the lifeblood of this system. St. Mary Parish has over 30,000 acres of sugar cane.

As early as 1699, Pierre le Moyne, Sieur d'Iberville, brought sugar cane to Louisiana. He tried growing it - but did nothing with his successful attempt. In the late 18th century, Etienne de Bore of New Orleans was the first to granulate sugar. This made sugar cane a profitable commodity. Although it could fluctuate wildly in value from year to year, it gave birth to large plantations, breaking down the small farm system in many sections of South Louisiana. By the 1830's, Bayou Teche was the main street of Acadiana, with one plantation after another.

Two of the earliest plantation owners were Nicolas Loisel, who had a plantation west of what is now Jeanerette, and Nicolas Provost, whose plantation was situated roughly on the land now comprising Jeanerette. (This area was then St. Mary Parish.)

The early days saw Franklin as an interior sugar port with steamboating beginning as early as 1835. Today, Franklin boasts a population of 9,000 and was named a top town by Norman Crampton in *The 100 Best Small Towns in America*.

The influence of Franklin's Anglo-Saxon descendants and its strong ties to sugar cane are apparent in the architecture of the city with its Greek Revival homes, moss-draped oaks aligning the boulevard and old fashioned street lamps. Rivaling Natchez, Franklin has over 420 properties listed on the National Register of Historic Places, three of which are open for tours: **Arlington Plantation, Grevemberg House and Oaklawn Manor**. Franklin has the fourth oldest Episcopal church in the state. In addition to the unique architecture, Franklin has produced its share of statesmen: four Governors, five U.S. Congressmen, one Chief Justice, one State Attorney General, one Lt. Governor, and two speakers of the U.S. House of Representatives. Franklin has been voted cleanest city six consecutive years and is a participant in the National Main Street Program. Franklin also has the **House of Needlework** and a **peace memorial**.

St. Mary Parish played an integral role in the war between the states. It was the major strategy of the Union to take the Mississippi Valley and cut the South off from the lands to the west. By, April, 1861, the Confederacy had erected three forts - Fort Berwick, Fort Chene and Fort Bisland. Following the fall of the city of New Orleans in April 1862, Union troops occupied Morgan City for over three years while planning battles against the Confederacy. The Union erected two forts, Fort Brashear or Fort Star and Fort Buchanan. It was in Morgan City that Union troops planned the destruction of the Avery Island salt mines, the cutting off of rebel supply lines from Texas and the annihilation of all Confederate troops in Southeast Louisiana. Franklin was the sight of one of the last battles in Louisiana: The Battle of Irish Bend. The Gunboat "Diana" captured by rebels protected the flank of the Confederate. Although outnumbering Confederates, the Union suffered significant losses. The battle is significant because it stopped Federal troops from continuing with its plan to destroy the Avery Island salt mines and the capture of Texas.

Morgan City, formerly Brashear City, is the gateway to the Atchafalaya Basin (the largest overflow swamp) and the innovator of the first offshore oil rig. With a population of 15,000, Morgan City was originally called Tiger Island by surveyors appointed by U.S. Secretary of War John Calhoun because of a particular tiger seen on the land. It was later called Brashear City after Walter Brashear, a prominent Kentucky physician who purchased large plots of land and acquired numerous sugar mills. In 1876, Brashear City became Morgan City, named after Charles Morgan, a steamship magnate who successfully dredged the Atchafalaya Bay, allowing it to become a booming port which set the pattern for future growth. Morgan City celebrates the economic lifeblood of the community Labor Day weekend with the Louisiana Shrimp and Petroleum Festival. Morgan City has the **Brownell Carillon Bell Tower, Swamp Gardens, Turn of the Century Mardi Gras Museum, Scully's Swamp Tours** and the **great Sea Wall**.

The Atchafalaya River (an Indian word meaning long river) is the gateway to the Atchafalaya Basin. The Atchafalaya River is a living delta and the Mississippi River's largest distributor. It is 135 miles long and based on discharge volume, it is one of the largest rivers.

The Atchafalaya Basin is over 800,000 acres. It is 1/3 of Louisiana and is the largest overflow swamp in the United States. It is used for flood control through an system of levees and spillways. The basin is home to over 90 species of fish, threatened and endangered species including bald eagle and black bear, gum and cypress knees, beavers, egrets, herons and more.

In 1947, Morgan City gained national recognition when it produced the first offshore oil well out of sight of land. The *New Orleans Times-Picayune* referred to it as "possibly one of the most significant discoveries in America this year."

St. Mary is in the coastal region of Cajun Country. It is 90 miles from New Orleans, 70 miles from Lafayette, and 77 miles from Baton Rouge.